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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,927	10/13/2004	Eugene A Pankake	GPNG P-002	5926
57380	7590	07/11/2008		
Oppedahl Patent Law Firm LLC P.O. BOX 4850 FRISCO, CO 80443-4850			EXAMINER LAMB, BRENDA A	
			ART UNIT 1792	PAPER NUMBER
			NOTIFICATION DATE 07/11/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket-oppedahl@oppedahl.com

### Office Action Summary

**Application No.**

10/711,927

**Applicant(s)**

PANKAKE, EUGENE A

**Examiner**

Brenda A. Lamb

**Art Unit**

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/10/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-22, 26-30 and 44-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-22, 26-30, 45 and 46 is/are allowed.
- 6) ☒ Claim(s) 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madrak et al 5,948,477 in view of Sollinger et al 4,869,933, Hunger and Wallsten.

Madrak et al teaches an apparatus comprising: nozzle for depositing coating on an application surface; a return trough or conduit or collector 4 for the active nozzle to collect undeposited coating back for recycling; a return funnel 5 for collecting undeposited coating from the return trough for return to the coating tank for recycling; and a locking system that provides direct and consistent locking of the return funnel to the return trough orientation for operating conditions wherein the locking system includes holding fixture 15 which supports funnel 5 and is attached to ridge support 11 which supports trough 4. Madrak et al teaches the dispenser or nozzle to be used in his apparatus can exist in numerous variations in combination with a separate spreading device. Madrak et al fails to teach the dispensing implement or nozzle includes a leading edge, metering surface and end seals. However, Sollinger et al teaches a dispensing or nozzle assembly used in combination with a downstream spreading device for applying coating onto a moving paper web. Sollinger et al dispensing or nozzle assembly includes a leading edge 2 and a metering assembly surface and end seals (see column 3 lines 8-30). Therefore, it would have been obvious to modify the

Madrak et al apparatus by substituting its dispensing apparatus with another known dispensing or nozzle assembly used in combination with a downstream spreading device such as taught by Sollinger et al for the taught advantage of providing a controlled amount of coating on the web. Further, Madrak et al fails to teach the recycling unit includes a coating tank. However, Madrak et al at column 4 lines 29-32 teaches that material in its collector bin is transferred to a recycling unit. Therefore, it would have been obvious to modify the Madrak et al apparatus by including a coating tank as part of a recycling unit since it is known in the art to transfer excess coating collected in a collecting means to a coating tank for recycling such as taught by Hunger and Wallsten for the obvious cost advantages of recycling coating.

Applicant's arguments filed 12/10/2007 have been fully considered but they are not persuasive.

Applicant's argument that the collector bin of Madrak et al is not a return funnel is found to be non-persuasive since the term "funnel" as defined by The American Heritage Dictionary of the English Language, Fourth Edition is "Something resembling this utensil in shape" or something resembling a funnel in shape and the generally conically shaped collector bin of Madrak et al resembles a funnel structure or funnel-like structure.

Applicant's argument that Madrak's collector bin does not collect or conduct fluid to anywhere else such as a coating tank is found to be non-persuasive. Madrak et al at column 4 lines 29-32 teaches that material in its collector bin is transferred to a recycling unit. Madrak et al fails to teach the recycling unit includes a coating

tank. However, it would have been obvious to modify the Madrak et al apparatus by including a coating tank as part of a recycling unit since it is known in the art to transfer excess coating collected in a collecting means to a coating tank for recycling such as taught by Hunger and Wallsten for the obvious cost advantage of doing so.

Claims 13-22, 26-30 and 45-46 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Thursday- with alternate Wednesdays and Fridays off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton, can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brenda A Lamb  
Examiner  
Art Unit 1734

/Brenda A Lamb/

Primary Examiner, Art Unit 1792